

Applicants have also added new independent claims 21 - 24. New independent claim 21 recites a device including a light source, a wavefront analyzer, and a beam modification device configured to shape and deflect a beam of the light source for processing an intraocular lens or an implantable contact lens. New claim 22 depends from claim 21 and recites a topography analyzer unit for analyzing the surface of the eye. New independent claim 23 recites a method for correcting visual defects of an eye that includes steps of determining an optical path of the eye via a wavefront analysis, calculating an ideal optical system which would result in a correction of the visual defects of the eye, and processing an intraocular lens or an implantable contact lens so as to correct the visual defect. New claim 24 depends from claim 23 and recites the further step of analyzing a topography of the eye. Support for new claims 21 - 24 is found, for example, in paragraph 0017 of the Application. No new matter has been added.

Applicants request reconsideration of claims 1-20 and new claims 21-24 based on the following remarks.

Provisional Double Patenting Rejections:

Claims 1-5 and 7-20 were provisionally rejected under 35 U.S.C. § 101 for double patenting for claiming the same invention as that of claims 1-11, 13-17 and 19-21 of copending Application No. 09/807,133. Applicants have cancelled the claims 1-5, 7-17, and 19-21 in copending Application No. 09/807,133, by amendment filed on a date even herewith.

Applicants have also, in the same amendment, amended claim 6 of that application so as to no longer conflict with any of the claims this application (No. 09/807,227). Accordingly, there is no longer a conflict between claims of the two applications and Applicants respectfully request withdrawal of the provisional double patenting rejections.

Rejections under 35 U.S.C. § 112, second paragraph:

Claim 6 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the Examiner objected to the phrase “the processing of an optical element” as being unclear. Applicants have amended claim 6 to recite “a processing of the optical element” for consistency with antecedent recitation of terms. Support for the features of claim 6 are found, for

example, in paragraphs 0017, and 0020 of the Application, which provide a thorough discussion of examples of processing optical elements. Applicants respectfully submit that the phrase, as amended in claim 6, particularly points out and distinctly claims the subject matter of the invention. Applicants accordingly request withdrawal of the rejection to claim 6 under 25 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. § 102 (e):

Claims 1, 3, and 6 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,050,687 to Bille et al. (“Bille et al.”).

Bille et al. describes a system and method for measurement of the refractive properties of the human eye. The system employs optical components for detecting both the reflection of a first light beam from the anterior surface of the eye, and the reflection of a second light beam from the retina of the eye. A computer is provided for comparing signals received and to construct a topography for the posterior surface of the cornea.

Independent claim 1, as amended, recites a device for correcting visual defects of an eye. The device includes, *inter alia*, “a coherent light source” and “a beam modification device configured to shape and deflect a beam of the coherent light source for processing an optical element.” An optical element, as described in the specification and as recited in claim 4, may be, for example, an intraocular lens, an eye lens, the cornea of the eye, a contact lens, an implantable contact lens, or a spectacle lens.

Applicants respectfully submit that Bille et al. does not describe a device for *correcting* the visual defects of an eye as recited in claim 1, but rather a device for merely *performing a diagnostic evaluation* of the refractive properties of an eye. The results of the diagnostic evaluation of the Bille et al. system “can be used for the prescription of corrective elements, such as contact lenses and glasses, or for planning the conduct of refractive surgery.” (See column 1, lines 5-17). However, the system described in Bille et al. does not include features for prescribing such corrective action or for planning or conducting such surgery. There is, for example, no description of a beam for processing a lens or other optical element. Thus, Applicants respectfully submit that Bille et al. is missing at least the feature of a “beam

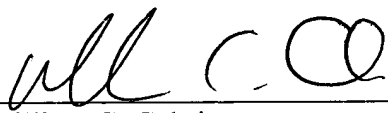
modification configured to shape and deflect a beam of the coherent light source for processing an optical element” recited in claim 1, and therefore, cannot anticipate claim 1. Because claims 3 and 6 depend from claim 1 and include all of its features, they are likewise not anticipated by Bille et al. for at least the same reason. Accordingly, Applicants respectfully request withdrawal of the rejections to claims 1, 3, and 6 under 35 U.S.C. § 102(e).

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
Reg. No. 38,156

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue - 14th Floor
New York, New York 10018
(212) 736-1940

In re: Manfred DICK et al.
Serial No.: 09/807,227
Filed: June 28, 2001
For: METHOD AND DEVICE FOR PERFORMING ONLINE
ABERROMETRIE IN REFRACTIVE EYE CORRECTION INDICES

**VERSION OF CLAIMS AMENDMENTS
WITH MARKINGS TO SHOW CHANGES MADE**

1. (Twice amended) A [method] device for correcting visual defects of an eye comprising:

a coherent light source,
a beam modification device [for] configured to [shaping] shape and [deflecting] deflect a
beam of the coherent light source for processing an optical element; [and]
a wavefront analyzer device for analyzing a wavefront of an optical path in the eye, and
a topography analyzer unit for analyzing the surface of the eye.

4. (Twice amended) The device as recited in claim 1, wherein the [beam modification device is
designed in such a manner that] optical element includes at least one of an intraocular lens; an
eye lens; the cornea of the eye; a contact lens; an implantable contact lens (ICL); and a spectacle
lens [are processable via the beam].

6. (Twice amended) The device as recited in claim 3, wherein the control unit is designed in
such a manner that the analysis of the optical path in the eye and/or the analysis of the surface of
the eye can be carried out virtually simultaneously with [the] a processing of [an] the optical
element via the beam of the coherent light source.

7. (Twice amended) A method for correcting visual defects of an eye comprising:
determining an optical path of the eye via a wavefront analysis; [and]
analyzing a topography of the eye; and

calculating an ideal optical system which would result in a correction of the visual defects of the eye.